

IN THE United STATES District Court
for THE NORTHERN District of TEXAS FILED

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
TEXAS

S MAR - 5 2009
CLERK U.S. DISTRICT COURT
By <u>S</u> Deputy

Emilio H. CHAVEZ JR et AL;

CHAVEZ Estate

v

CAUSE NO.

S
5 - 09MC006-C

IRVING PICARD; BERNARD MACDOFF;
Peter Macdoff; Shana Macdoff; ANDREW
MACDOFF; Banco Santander; MANUEL
Echeverria; ROBERT JAFFE; Command
SECURITIES; FAIRFIELD GREENWICH GROUP;
OPTIMAL INVESTMENTS SERVICES, SP; Richard
Piccoli; GENSEE CAPITAL CORP; PRICE Waterhouse
COOPER; HSBC Holding PLC; BANK MEDICI

ORIGINAL PETITION FOR COMPLAINT ON BREACH OF
CONTRACT.

TO THE HONORABLE COURT:

COMES NOW Emilio Chavez, JR Petition
By and Through HIMSELF. Files ORIGINAL PETITION
for COMPLAINT ON BREACH OF CONTRACT. & will show

RECEIVED

MAR - 5 2009
CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS

Parties of Interest

I) Plaintiff(s)

This suit is brought by Emilio Chavez, Jr.
who RESIDES at PRESTON, SMITH UNIT 1313 CR 19
LAMESA, TEXAS 79331.

As OWNER of OR SPARTNER, EXECUTIVE OFFICER
AUTHORIZED to Act on behalf of:

- a) Chavez holding LLC 2302 36th Lubbock,
TX 79412
- b) Chavez Transportation 2302 36th Lubbock
TX 79412
- c) Chavez Foundation 2302 36th Lubbock
TX 79412
- d) Chavez family TRUST 2302 36th Lubbock
TX 79412
- e) WEST TEXAS OUTREACH, INC. 2302 36th Lubbock
TX 79412
- f) WEST TEXAS HUMAN RESOURCE CORP 2302
36th Lubbock, TX 79412
- g) Jenny Holding, LLC 2302 36th Lubbock,
TX 79412
- h) THE JENNY GROUP, AG 2302 36th Lubbock
TX 79412
- i) Jenny Global, Ltd. 2302 36th Lubbock
TX 79412

- J) Jenny financial Group, AG 2302 36th
Lubbock, TX 79412
- K) JEN TECH, AG 2302 36th Lubbock,
TX 79412
- L) CHAVEZ Capital Holding, LLC 2302 36th
Lubbock, TX 79412
- M) Christian family OUTREACH, INC. 2302 36th
Lubbock, TX 79412
- N) CHAVEZ Estate 2302 36th Lubbock, TX 79412

2) DEFendant(s)

This is a suit, ALLEGED VIOLATION OF
SECURITIES ACT OF 1933, SECURITIES EXCHANGE
ACT OF 1934, HOBBS ACT, RICO ACT BY USE OR
THROUGH EXTORTION, FRAUD misrepresentation,
DECEPTIVE TRADE PRACTICE, MISAPPROPRIATION
OF FUNDS, THEFT, BAD FAITH AGAINST:

- a) BERNARD L. MADOFF - ~~NEW YORK~~ ^{MANHATTAN}, NY
- b) BERNARD L. MADOFF INVESTMENT SECURITIES
LLC / THROUGH TRUSTEE: IRVING H. PICARD
2100 MCKINNEY AVE. SUITE 800 DALLAS,
TX 75201
- c) PETER MADOFF - ADDRESS UNKNOWN
- d) SHANA MADOFF - ADDRESS UNKNOWN
- e) ANDREW MADOFF - ADDRESS UNKNOWN
- f) BANCO SANTANDER - MADRID SPAIN
- g) MANUEL ECHEVERRIA - GENEVA

- H) ROBERT JAFFE - PALM BEACH, CA
- I) Cohmand SECURITES - ~~MANHATTAN~~ NEW YORK, NY
- J) Bank Medici - VIENNA, ITALY
- K) fairfield Greenwich Group
ADDRESS UNKNOWN
- L) OptiMAL INVESTmests SERVICES, SP.
ADDRESS UNKNOWN (switzerland)
- M) Richard Piccoli - Buffalo, NY
- N) GEN-SEE Capital Corp - Buffalo, NY
- O). PRICEWATERhouse COOPER - ADDRESS
UNKNOWN
- P) HSBC Holding INC. ADDRESS UNKNOWN
- Q) Bank

Jurisdiction

Jurisdiction is appropriate, Petition is filed pursuant to 28 USC § 1332, § 1331, § 1334

The District Court shall have original jurisdiction of all action arising under the Constitution, diversity of citizenship and amount of controversy exceeds \$ 75,000.

Petition Meets Absolute diversity of citizenship & amount. & Fed. R. C. P 9(b); 8(a)

CAUSE of Action

PETITIONER Complaint ALLEGES THAT AS A DIRECT and Proximate ACTS OR OMISSIONS By defendants; Violating and or Sustaining INJURIES from Elements of offense proscribed by THE Hobbs Act 18 USC § 1951, RICO Act 18 USC § 1961; SECURITIES Exchange Act of 1934 § 10(b). 15 USC § 78(b) 17 CFR § 240.10b-5; SECURITIES Act of 1933 § 12, 15 USC § 77; Probably or Did Cause defendant's to BREACH an IMPLIED CONTRACT by BREACHING a FIDUCIARY DUTY Through FRAUD; Misrepresentation, Misappropriation of funds, MISMANAGEMENT, DECEPTION, EXTORTION, Petitioner SUFFERED ACTUAL LOSSES, ECONOMIC LOSS, LOSS OF INTEREST INCOME, IN EXCESS of \$ 750 MILLION DOLLARS.

Defendants,

IRVING H. PICARD - for BERNARD L. MADOFF SECURITIES
INVESTMENT SECURITIES; BERNARD L. MADOFF; PETER MADOFF;
Shana Madoff; Andrew Madoff; Banco Santander;
MANUEL ECHEVEGRIA; ROBERT JAFFE; COHMAN AND
SECURITIES; FAIRFIELD GREENWICH GROUP; OPTIMAL
INVESTMENT SERVICES, SP; RICHARD PICCOLI; GEN-SEE
CAPITAL CORP; HERE AFTER Defendants GROUP;

This is a SECURITIES FRAUD ACTION AGAINST DEFENDANTS
group. for maintaining a Ponzi scheme, from Spring
1998 Through Winter 12/2005.

PETITIONER opened SEVERAL ACCOUNTS, for the SOLE
PURPOSE OF INVESTMENTS, in HOPE OF MAKING PROFIT
from interest, dividends,. PETITION WAS MISLED TO
BELIEVE his INVESTMENTS WERE WITHIN THE MEANING
OF SECURITIES ACT, DEFENDANTS group ISSUED PETITIONER
SECURITIES THAT WERE NOT REGISTERED, TO WHICH
STOCKS AND BONDS, PETITIONER, ALLEGES BONDS
ISSUED THROUGH BERNARD L. MADOFF INVESTMENT
SECURITIES ARE WORTHLESS, CUSIP ISSUED TO PETITIONER
by BERNARD L. MADOFF ARE NOT REGISTERED ISSUED
By BERNARD L. MADOFF TO MASK THE FRAUDULENT
PONZI SCHEME. THIS CRIMINAL ENTERPRISE PREPARED
FALSE PAPER WORK & ISSUED NON-REGISTERED SECURITIES

facilitated by gross NEGLIGENCE, fraud, deception, Misappropriation, Mismanagement, Extortion, A BREACH of fiduciary duty and BREACH of an implied Contract, MORE Than \$ 750 million Dollars was DIVERTED from THE TRUE PURCHASE of SECURITIES into a Criminal enterprise as A DIRECT RESULT, PetITIONER Suffered INJURIES of ECONOMIC LOSS, ACTUAL LOSS, LOSS of INTEREST income and OTHER DAMAGES in EXCESS of \$ 750 Million Dollars. for ALL THE above and foregoing REASONS PetITIONER demand of and from the DEFENDANT'S group THE RESPECTIVE SUM of \$ 750 MILLION plus COST HEREIN & PRE, POST JUDGMENT INTEREST.

DEFENDANTS,

PRICE WATERHOUSE COOPER; HSBC Holding PLC, BANK MEDICI ; AS THE Auditors and Actors as Custodians for the Assets failed in THE fiduciary Duties to the Client for failure to EXPOSE or DISCOVER THE Ponzi SCHEME.

PETITIONER REQUEST to PRESERVE his best INTEREST & ALL THE Plaintiffs This Court Appoint A TRUSTEE for THE CHAVEZ TRUST, to BE ESTABLISHED by INTERPLEADER. Pursuant to INTERPLEADER ACT § 1335, 1397, 2361

PETITIONER REQUEST a PRELIMINARY hearing, in which an appointment of TRUSTEE for The Chavez TRUST, Petitioner will tender or TRANSFER ALL SECURITIES PURCHASED BY PETITIONER'S from Bernard L Madoff Investments SECURITIES SEE AFFIDAVIT PG 3-6 to TRUST fund.

WHEREFORE Petitioner Prays for General Relief. Prays, SERVICE by Publication Due to Vast Diversity

Respectfully Submitted
3

Emilio Chavez, Jr

TDCJ 1369270

Certificate of SERVICE

I Emilio Chavez, Jr TDCJ 1369270 certify That a TRUE & CORRECT Copy of THE forgoing was PLACED in THE Smith Unit Mail System. Addressed to CLERK, U.S. District Court for NORTHERN District of TEXAS 120 S Texas Ave Lubbock, TX 79401.

Sign This The 3rd Day of March, 2009

Emilio Chavez, Jr
TDCJ 1369270

Emilio Chauz, Jr
Preston Smith Unit
1313 CR 19
EL PASO, TX 79933

CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
Lubbock Division
1205 TE
Lubbock,



MAR - 5 2018

**CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

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